

From: [Tulis, Dana](#)
To: [Stanislaus, Mathy](#); [Breen, Barry](#)
Cc: [Stanton, Larry](#); [Irizarry, Gilberto](#)
Subject: RE: Freedom Industries reveals another chemical present
Date: Wednesday, January 22, 2014 8:44:11 PM

Mathy, I am very frustrated by this whole process and we should chat more in person. Region 3 has been working the issue and promised me something on Tuesday, and of course, the government was closed. I will ask yet once again.

From: Stanislaus, Mathy
Sent: Wednesday, January 22, 2014 8:41 PM
To: Tulis, Dana; Breen, Barry
Cc: Stanton, Larry; Irizarry, Gilberto
Subject: Re: Freedom Industries reveals another chemical present
I understand that we continue to evaluate the application of state and federal response authorities such as CERCLA to determine next steps and the environmental laws and regulations applicable to the facility. I understood we had a relatively good handle on authorities. When would this review be completed? I need to know timeframe ASAP.

From: Tulis, Dana
Sent: Wednesday, January 22, 2014 8:35:36 PM
To: Stanislaus, Mathy; Breen, Barry
Cc: Stanton, Larry; Irizarry, Gilberto
Subject: RE: Freedom Industries reveals another chemical present

[REDACTED]
[REDACTED]. I know Bicky has been working some of these issues.

From: Stanislaus, Mathy
Sent: Wednesday, January 22, 2014 8:29 PM
To: Tulis, Dana; Breen, Barry
Cc: Stanton, Larry; Irizarry, Gilberto
Subject: Re: Freedom Industries reveals another chemical present
One other question - the application of CERCLA in this circumstance would be either for EPA response or enforcement actions- correct?

From: Tulis, Dana
Sent: Wednesday, January 22, 2014 8:25:19 PM
To: Stanislaus, Mathy; Breen, Barry
Cc: Stanton, Larry; Irizarry, Gilberto
Subject: RE: Freedom Industries reveals another chemical present

Hi Mathy,

I wanted to just add in what John Michaud sent us, so you would have that, RQ notation in the 40 CFR 302 table for Glycol Ethers is "***". That means that no RQ has been assigned to the "generic or broad class" of chemicals. This notation means that there is no RQ for these chemicals, not that it is the default RQ. Thus, even though Glycol Ethers are hazardous substances, there simply is no RQ for this class of chemical. The notation "###" means that the statutory RQ of 1 pound applies. As far as RCRA, I am not sure if this would be considered a product or haz substance. I can add in Barnes, and have his folks work this.

From: Stanislaus, Mathy
Sent: Wednesday, January 22, 2014 8:14 PM
To: Tulis, Dana; Breen, Barry
Cc: Stanton, Larry; Irizarry, Gilberto
Subject: Re: Freedom Industries reveals another chemical present
To the question of PPH being subject to EPA authorities - outside of it being a haz substance - I realize its not subject to SPCC or RMP but is it potentially subject to RCRA?

From: Stanislaus, Mathy
Sent: Tuesday, January 21, 2014 7:08:14 PM
To: Tulis, Dana; Breen, Barry
Cc: Stanton, Larry; Irizarry, Gilberto
Subject: Re: Freedom Industries reveals another chemical present
What do we know about Poly glycol ether (PPH)? I understand it is a haz substance. Would it have subjected the facility to any fed prevention requirements? These are the questions we should soon expect.

From: Tulis, Dana
Sent: Tuesday, January 21, 2014 6:12:35 PM
To: Stanislaus, Mathy; Breen, Barry
Cc: Stanton, Larry; Irizarry, Gilberto
Subject: FW: Freedom Industries reveals another chemical present
FYI

From: Ferrell, Mark
Sent: Tuesday, January 21, 2014 5:55 PM
To: R3 HOTSITES
Subject: Freedom Industries reveals another chemical present
Freedom Industries revealed today that as much as 300 gals of a chemical listed on the MSDS as PPH was also present in their tank that leaked Crude MCHM into the Elk River on January 9.
<http://www.wvgazette.com/News/201401210072>
Also, Freedom Industries bankruptcy hearing today stalled
<http://www.wvgazette.com/News/201401210034>

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